



# DEMOREST LAW FIRM



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June 4, 2019

**VIA FIRST CLASS MAIL**

Freedom of Information Officer  
U.S. EPA Region 5 (MI-9J)  
77 West Jackson Blvd.  
Chicago, IL 60604-3590

**RE: Freedom of Information Request for Environmental Records  
Modern Plastics Corporation  
Property Address: 489 North Shore Drive, Benton Harbor, MI  
EPA ID No. MIN000510426**

Dear Sir or Madam:

I am writing to submit a Freedom of Information Request in connection with the property referenced above, to obtain copies of any and all environmental records referenced in **Attachment A**.

We have sent prior FOIA requests to the EPA regarding this property. This request excludes any documents dated on or after October 17, 2017.

We are willing to pay reasonable search and copy fees for these materials. If the documents we have requested are not disclosable in their entirety, we request that you release all nonexempt portions of the documents that may be segregated and all parts of the documents that can be rendered disclosable by redaction.

If you determine that any of the requested documents falls within a statutory exemption, we request that you exercise your discretion to disclose them. As to any portion of the documents that you withhold, please state with specificity the legal and factual basis for withholding such documents.

We appreciate your cooperation. If you need further explanation of the nature or scope of this request, please feel free to call me at (248) 723-5500.



Sincerely,

**DEMOREST LAW FIRM, PLLC**

A handwritten signature in blue ink, appearing to read 'Mark S. Demorest', with a long horizontal flourish extending to the left.

Mark S. Demorest  
mark@demolaw.com

MSD/ab

cc: Cheryl Miller (via email)  
Christopher Lannert (via email)

#### Attachment

New Products Corporation/Modern Plastics/Correspondence/2019 06 04 sl EPA re FOIA (878).docx

**ATTACHMENT A TO FOIA REQUEST  
TO U.S. ENVIRONMENTAL PROTECTION AGENCY  
RE: MODERN PLASTICS PROPERTY**

**DEFINITIONS**

1. The "Modern Plastics Property" includes all of the property commonly known as 489 N. Shore Dr., Benton Harbor, MI, whether now owned by Modern Plastics Corporation, New Products Corporation, or another party. This may also be referred to as UP EPA ID # MIN 00510426.

2. As used in this Attachment A, the "Modern Plastics Property" includes, but may not be limited to, the following tax parcel numbers:

Property Tax Id No. 11-54-0018-0024-00-1  
Property Tax Id No. 11-54-0018-0025-01-6  
Property Tax Id No. 11-54-0018-0025-00-8  
Property Tax Id No. 11-54-0018-0021-02-9  
Property Tax Id No. 11-54-0018-0021-01-1  
Property Tax Id No. 11-54-0018-0025-02-4  
Property Tax Id No. 11-54-0018-0025-03-2

3. "State of Michigan" means the Michigan Department of Environmental Quality or the Michigan Department of Environment, Great Lakes and Energy.

4. "EPA" means the U.S. Environmental Protection Agency.

**DOCUMENTS/INFORMATION TO BE PRODUCED**

1. All paper or electronic documents mentioning, referring to, or related to the Modern Plastics Property, from October 17, 2017 to date.

2. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding the site assessment and/or



site inspection report regarding the Modern Plastics Property, including all internal EPA communications, from October 17, 2017 to date.

3. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other communications with the State of Michigan regarding the Modern Plastics Property, from October 17, 2017 to date.

4. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding clean-up or remediation of the Modern Plastics Property from October 17, 2017 to date.

5. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding requests for access to the Modern Plastics Property, including all signed access agreements, from October 17, 2017 to date. This request includes, but is not limited to, all communications and agreements with New Products Corporation (including Cheryl Miller); Modern Plastics Corporation (including Helen "Tenney" Miller); John Cameron, Jr. of Dickinson Wright, PLLC; or Berrien County (including Bret Witkowski, Dan Fette, Donna Howard, and James McGovern).

6. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with the City of Benton Harbor regarding the Modern Plastics Property from October 17, 2017 to date.

7. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Dickinson Wright, PLLC (including, but not limited to, John Cameron, Jr.) regarding the Modern Plastics Property, from October 17, 2017 to date.

8. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Whirlpool Corporation (including, but not limited to, Jeff Noel) regarding the Modern Plastics Property, from October 17, 2017 to date.

9. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Evergreen Development Company (including, but not limited to, Robert McFeeter) regarding the Modern Plastics Property, from October 17, 2017 to date.

10. All letters, memos, e-mails, notes, phone logs, faxes, agreements, or other communications with Harbor Shores (including, but not limited to, Jeff Noel or Robert McFeeter) regarding the Modern Plastics Property, from October 17, 2017 to date.

11. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding the State of Michigan and/or EPA's decision to conduct additional investigation and testing at the Modern Plastics Property, from October 17, 2017 to date.

12. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding application for funding, and award of funding, for site inspection and testing at the Modern Plastics Property, from October 17, 2017 to date.

13. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding site visits at the Modern Plastics Property, from October 17, 2017 to date.

14. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding the scheduling of site visits and investigative work at the Modern Plastics Property, from October 17, 2017 to date.

15. All letters, memos, e-mails, notes, phone logs, faxes, photographs, maps, plans, drawings, agreements, or other documents regarding arrangements with testing laboratories for testing of soil or water samples from the Modern Plastics Property, from October 17, 2017 to date.

New Products Corporation/Modern Plastics/FOIA Requests and Responses/Attachment A to FOIA Request EPA MP 2019 05 30.docx  
(878)